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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,549	02/02/2000	GEORGE KING	96P7613US03	5563

7590 08/25/2006

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

QURESHI, AFSAR M

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/496,549

Applicant(s)

KING, GEORGE

Examiner

Afsar M. Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32,37-39 and 41-47 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32,37-39,41-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. This action is responsive to amendment received on 6/27/2006. Claims 33-36 and 40 are cancelled, claims 32, 37-39, 41-47 remain in the application.
2. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**
3. Claims 32,37-39 and 41-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHale (US 5,558,857).

Claims 32, 37-39. McHale discloses method and apparatus to carry out the method for routing a digital data call on a subscriber line (see figure 1) received at a splitter 50 (one of, *remote line termination unit, a digital line unit, a remote data terminal, a subscriber line interface circuit, or a digital subscriber line module*) in a central office 14. The digital data is sent to router 60 via data line 54 that is *external to the switch 56* (see col. 2, lines 22-36).

McHale further discloses a method step for assigning a logical identifier to the digital data call associated with the subscriber line (see col. 12, lines 42-54).

It is readily understood by an artisan, in the same field of endeavor, that in order to assign a logical identifier to the digital call from a subscriber it is necessary to assign

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an address for the call to reach its destination and then associate this call with the subscriber line. Without associating the call with a particular port or subscriber line the call cannot be routed, e.g., if a call is forwarded from a network 64 and to be routed to subscriber 12 (as shown in figure 1 – McHale) it is necessary that the call is to be associated to a port or subscriber line coupled to subscriber 12 (**claims 37 and 39**).

Claims 41-47. In addition to the limitations above, McHale further discloses using XDSL communication protocol wherein communication server 58 is capable to convert digital data call to a digital data stream, as claimed herein (see col. 7, lines 1-8, 28-40 and col. 11, lines 51-61, also see explanation of figure 5).

Routing a digital data call to a destination bypassing a switch, or without using the internal equipment, is known and old [used by COX industry in an Internet environment]. The motivation is to provide digital data service to selected telephone subscriber over telephone lines at a reduced cost as desired by McHale (see col. 1, lines 28-36).

Response to Arguments

4. Applicant's arguments filed 6/27/2006 have been fully considered but they are not persuasive. The prior art, McHale (US 5,668,857) was discussed, in the telephonic interview, with Mr. J. Miller, in detail. Examiner contends that the cited art discloses all the limitations as above and that the splitter disclosed by McHale reads on termination unit in its ordinary and customary meanings. The Examiner cited COX industry, as a

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user of the same technology, as an example of a commercial user. However, rejection based on McHale itself reads on all the limitations claimed herein.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AFSAR QURESHI
PRIMARY EXAMINER

8/21/2006